

[SC] Advocate - Duty of - Vakalatnama - Ascertaining identity of the person signing - If the Vakalatnama is executed in presence of the Advocate-on-Record himself, it is his duty to certify that the execution was made in his presence - This certification is not an empty formality - If he knows the litigant personally, he can certify the execution - If he does not personally know the litigant, he must verify the identity of the person signing the Vakalatnama from the documents such as Adhaar or PAN card - If the client has not signed the Vakalatnama in his presence, the AOR must ensure that it bears his endorsement as required by clause (b)(ii) of Rule 7 - Compliance of the said Rules is very important and is not an empty formality and therefore, it is the duty of AORs to ensure that due compliance is made with the said requirement - Vakalatnama of the applicant, in this case, did not bear certification as required by sub-clauses (i) or (ii) of clause (b) of Rule 7 of the said Rules - Contention raised by the applicant that he did not sign the Vakalatnama in the Special Leave Petition and that he did not sign the affidavit in support thereof, will have to be accepted.

Supreme Court Rules 2013, O. IV R. 7(a), R. 7(b)

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